REMARKS

Claims 1-5, 8-16, 19-28 and 31-36 are in the application. Claims 1, 8, 9, 12, 19, 20, 23, 31-34 and 36 have been amended. No new matter has been added. The amendments are supported in the specification at paragraphs [0048] to [0053]. No claim is allowed.

It is understood that applicants' prior amendment filed on September 5, 2008 has not been entered. The action on the merits of the Final Rejection accordingly was on the claims as they stood prior to September 5, 2008. The amendment herein is to the claims as they stood prior to September 5, 2008. The phrase "element of a gaming system operatively coupled to a wagering gaming apparatus" which is supported at paragraph [0051] is not included in the present claims since in the opinion of the examiner that is directed to an invention that is different from that originally presented in the claims.

Rejections under 35 U.S.C. § 103

All of the claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrow (US2004/0054952 "Morrow") in view of Sarbin (5,179,517 "Sarbin"), both of record. Reconsideration and withdrawal of this rejection are respectfully requested,

The examiner describes Morrow as purporting to show the elements of the present claims except for a controller programmed to allow a person to make a wager; programmed to cause a video image representing a casino game to be played; and programmed to determine a value payout associated with the outcome of the game. The examiner cites Sarbin as allegedly showing these elements that Morrow fails to teach.

The examiner further states that Sarbin discloses a gaming machine comprising a data transfer system that operates "by collecting data (such as game machine malfunction data) from game machines and transferring said data to a portable memory medium such as a smart card."

This rejection is respectfully traversed and withdrawal thereof is respectfully requested. Claims 1, 12, 23, 33 and 36 have been amended to indicate that the controller must be programmed to store selected crash data such that the data comprises selected data regarding the gaming apparatus resulting from a gaming apparatus failure collected for configuring other gaming apparatus or diagnosing gaming apparatus failure, including at least one of operating system failure, application software failure, mechanical failure and electrical failure.. Some claims also recite as they did previously, that the storage device is adapted to read from and write to a removable storage memory, the removable storage memory being different from the memory operatively coupled to the

processor, and that the gaming apparatus is operable when the removable storage memory is removed from the gaming apparatus.

While Morrow discloses removable storage devices 80 and 90, neither of these removable storage devices meets all the requirements of the present claims. The removable storage device 80 contains only update files 82 and may optionally contain verification software 70. See, [0040] in Morrow. The update files 82 are files that are used to replace any obsolete or corrupted files in the gaming apparatus when a verification process is performed. Verification is a matching process for matching identification numbers of the components in the database as described in [0009] through [0011] in Morrow. The removable storage memory 80 in Morrow is not one to which a storage device is adapted to write. Moreover, particularly since one can not write to it, removable storage device 80 can not store selected data onto the removable storage memory such that the data comprises selected crash data regarding the gaming apparatus resulting from a gaming apparatus failure collected for configuring other gaming apparatus or diagnosing gaming apparatus failure, including at least one of operating system failure, application software failure, mechanical failure and electrical failure.

Removable storage device 90 contains components such as software programs 92-96, operating system files 98 and file allocation files or structures 99 that would be necessary to operate the gaming apparatus. Removal of device 90 would therefore appear to prevent the gaming machine from properly operating.

The examiner states that Morrow shows that events monitored can be stored on the hard drive and that the events can be manually selected. Final rejection; paragraph 7. However, it is respectfully suggested that the examiner is using the teaching of applicants' disclosure to attribute to Morrow the selection of the proper data for the designated purpose of the present invention. Morrow itself does not teach this, so it is the inappropriate use of hindsight using applicants' teachings to rely on Morrow in this manner.

Accordingly, neither of the removable storage media 80 or 90 in Morrow meets the features of the present claims, nor are the present claims obvious to one of ordinary skill in the gaming art.

The examiner points to paragraph [0013] in Morrow regarding a removable storage unit used in Morrow. The examiner then indicates that there is no requirement for the removable storage memory to be the same as the system's memory, citing par. [0013]. The examiner then hypothecates that a recorded logged event, not necessary to operation of the machine, can be stored on a removable persistent memory. However, it is respectfully pointed out that the paragraph is not teaching what the examiner hypothecates. Paragraph [0013] relates to paragraphs [0011] and [0012]. These paragraphs are describing the location of storage of the *verification software* (item 70) that is the primary focus of the invention in Morrow. The verification software is disclosed as being alternatively stored at:

Removable disc 90	See par. [0038]
ROM 77 (non-removable)	par. [0038]
EEPROM 64 (non-removable)	par. [0038]
CMOS 72 (non-removable)	par. [0038]
FWH (remote)	par. [0039]
Removable device 80	par. [0040]

The only other data or information disclosed on removable device 80 are update files 82. As discussed above, neither information 70 nor 82 meets the present claims. Removal of disc 90 makes the gaming apparatus inoperable, items 77, 64 and 72 are non-removable, and FWH is a remote item. It is submitted that again the examiner is exercising inappropriate hindsight using the teaching of applicants' disclosure to arrive at his conclusions. The teaching in paragraph [0013] of Morrow fails to teach the features of the present claims discussed above.

Regarding Sarbin, it is directed to use of a carried data unit to be used in a gaming machine. Sarbin describes a player carried data unit (Fig. 5) and an employee carried data unit (Figs 6 and 7). The employee carried data unit, such as a smart card, is inserted into the gaming machine, for example, to receive gaming machine identification with dated machine information, or play and status data (Fig. 6) that can be then used as input to a central data system. But nowhere is it disclosed that this data is used or can in turn be downloaded *to configure* another gaming machine. All of the data uploaded from the gaming machine to the smart card, other than time and machine ID, is characterized as the "number of" times an identified event occurred. See Col. 8, lines 40-67. This is statistics collection. Moreover, the smart card only uploads the *number* of electrical failures or the *number* of tilts and number of illegal pays. These are statistics, but are insufficient *to diagnose* the reason for the apparatus failure, much less whether it is in the operating system, application software, mechanical components or electrical components. The downloading of updates from the smart card into the gaming machine is disclosed (Fig. 7) but there is no disclosure of how the updates were placed on the smart card. But since the uploading portion of Sarbin (Fig. 6), can only uptake raw statistics from a machine, the program updates on the card (Fig. 7) must have been placed there by a more sophisticated process and computer than a gaming machine. Thus, the smart card as described in Sarbin cannot meet the condition of a controller in a gaming apparatus that is programmed to store data on a removable storage memory comprising selected data regarding the gaming apparatus or an element of a gaming system operatively coupled to the gaming apparatus collected for configuring other gaming apparatus or diagnosing gaming apparatus failure, operating system failure, application software failure, mechanical failure or electrical failure.

Further in this regard, the independent claims recite the specific information that comprises the crash data used by the controller to diagnose or configure other gaming apparatus. The data on the smart cards in Sarbin, as discussed above, are not seen to be capable of use to accomplish this.

The removable storage memory according to the present invention is advantageous in that it greatly facilitates the diagnosing and operation of the gaming devices within the casino. This data, typically very complex compared to simple data which is transferred onto, for example a smart card, may be used to diagnose gaming unit failure, software failure, mechanical or electrical failure, and it may be used to configure the machine or be used to configure another gaming machine in a similar or identical configuration without using traditional complex and time consuming methods, used by casino operators.

It is submitted that Morrow and Sarbin do not demonstrate this advantageous use of a removable storage memory or how to accomplish it in the operation of a gaming machine. For the reasons discussed above, it is submitted that the claims are unobvious over the combination of Morrow and Sarbin and withdrawal of the rejection is respectfully requested.

It is submitted that upon entry of this amendment this application is in condition for allowance. It is respectfully requested that this application be passed to issuance.

Respectfully submitted,
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